

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

RENE URENA GONZALEZ,	:	MOTION TO VACATE
Movant,	:	28 U.S.C. § 2255
	:	
v.	:	CRIMINAL INDICTMENT NO.
	:	1:05-CR-0250-WSD-JFK-5
UNITED STATES OF AMERICA,	:	
Respondent.	:	CIVIL FILE NO.
	:	1:17-CV-3275-WSD-JFK

**MAGISTRATE JUDGE’S FINAL ORDER
AND FINAL REPORT AND RECOMMENDATION**

The matter is before the Court on Movant’s 28 U.S.C. § 2255 motion, filed August 28, 2017 [315], and his request for judicial notice of certain facts in support of the § 2255 motion [316].

In June 2009, the Court denied Movant’s original § 2255 motion challenging his conviction under the above criminal docket number. (Order of June 22, 2009, ECF No. 231). This is a successive § 2255 motion which must be dismissed because the Court has no authority to consider it. Movant first must get permission from the Eleventh Circuit Court of Appeals before a successive § 2255 motion can be filed in the district court. See 28 U.S.C. § 2255(h); Farris v. United States, 333 F.3d 1211, 1216 (11th Cir. 2003). A certificate of appealability is not warranted because it is not debatable that Movant must obtain permission from the Eleventh Circuit Court of

Appeals before filing another § 2255 motion in this Court. See Rules Governing Section 2255 Proceedings for the United States District Courts, Rule 11.


Accordingly,

IT IS RECOMMENDED that this § 2255 motion [315] be **DISMISSED** and that a certificate of appealability be **DENIED**.

IT IS ORDERED that Plaintiff's request for judicial notice [316] is **DENIED** as moot.

The Clerk of Court is **DIRECTED** to withdraw the referral of this § 2255 motion to the undersigned Magistrate Judge.

IT IS SO ORDERED, RECOMMENDED, and DIRECTED, this 19th day of September, 2017.



JANET F. KING
UNITED STATES MAGISTRATE JUDGE